IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1694 OF 2007

Sou.Vijaya Shivdas Dakwale
@ Kale. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.P.R.Arjunwadkar, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 25th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.44 of 2007 of Tembhurni Police Station, Solapur. The said case is under Sections 363, 366 of IPC.

3. The applicant is the cousin sister of Alka. At the time of the incident, Alka was 17 years and 8 months old. It is her case that the applicant forcibly put her into a maruti van. The Maruti

van took them to S.T. stand which was about 3 Kms. away from the spot. Thereafter she was made to sit in S.T.Bus and taken to some other place. It is the case of Alka that there the applicant told her that Alka had been brought there so that Alka would marry the brother-in-law of the applicant.

4. As far as travelling by S.T.Bus is concerned, Alka has stated that she did not raise any shouts to seek help as she was threatened by the applicant. Thereafter Alka has stated that during the time that Alka was with the applicant at Bemble, they used to go to sugar-cane field everyday. As far as going to sugar-cane field everyday is concerned, though, the applicant was with Alka all the time there is no mention by Alka in her statement that any threat was given to Alka at that time. While going to field and returning back or while in the field, Alka has not made any attempt to run away or to seek any help from anyone. No doubt Alka was below 18 years of age at the time of the incident. From the material on record it appears that Alka knew the nature and consequences of her act. On perusal of the

material, I am of the *prima facie* opinion that Alka has voluntarily stayed with the applicant for a period of 6-7 days at village Bemble. Moreover, the present applicant is a young lady who has minor children.

5. Looking to all the above aspects, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant - Sou.Vijaya Shivdas Dakwale @ Kale to be released on bail in the sum of Rs.20,000/-with one or two sureties to make up the said amount. The applicant shall report to Tembhurni Police Station, Solapur everyday for a period of 7 days starting from 28.6.2007 from 11:00 a.m. to 2:00 p.m.; and thereafter once in a month, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)